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OFFICIAL GAZETTE

GOVERNMENT OF GOA

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No. 2

GOVERNMENT OF GOA

Department of Revenue

Notification

14/63/2009-RD(Part)

The Government of Goa is hereby pleased to frame the following policy for removal and/or relocation of unauthorised religious structures on public lands, as under:—

Policy for Unauthorized Religious Structures on Public Places

I.1 The Hon'ble Supreme Court in Special Leave Petition (c) No. 8519/2006 - Government of India versus State of Gujarat and Ors. has instructed all the State Governments to adhere the following directives:—

(a) As an interim measure, no unauthorized construction shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara, etc., on the public streets, public parks or other public places, etc.

(b) In respect of the unauthorized construction of religious nature which has already taken place, the State Government and the Union Territories shall review the same on case to case basis and take appropriate steps as expeditious as possible.

2. In pursuance to the directives, the Government of Goa has reviewed the status of unauthorized construction of religious nature. The Government vide circular No. 14/63/2009-RD (Part) dated 15-02-2010 has issued directions to all District Collectors, Mamlatdars etc., to ensure that no further unauthorized structures of religious nature come up in the land under their possession after Hon. Supreme Court's Order dated 29-09-2009, in compliance of the first part of the Order of Hon. Supreme Court as stated above. Further, in order to protect Government land from such encroachments, another Circular is issued vide No. 16/25/2011-RD/1734 dated 02-05-2012 thereby directing both the Collectors, Dy. Collectors, Mamlatdars, Administrators of Comunidades to initiate immediate action to stop any illegal encroachments on Government and Comunidade land. The Government has also made special provisions for restraining any construction on public places by duly amending the Goa Land (Prohibition on Construction) Act, 1995 (Goa Act No. 20 of 1995), vide The Goa Land (Prohibition on Construction) (Amendment) Act, 2013 (Goa Act 13 of 2013), wherein provisions have been made for penal and criminal penalty against the erring officials for lapses in taking action against encroachments on Government land and on public place.

3. With regards to the second part of the direction, Collector (North) and Collector (South) have undertaken a survey of such constructions which are existing and are attracting the prohibitions as envisaged in the Order of the Hon. Supreme Court. The State Government has also held deliberations with the stakeholders, political parties, elected representatives, religious institutions and other interested parties, in order to arrive at a consensus on the issue and formulation of a policy on this issue.

II. *Objectives*.— 1. The objective of the policy is to formulate a methodology by which the State Government envisages to deal with unauthorized structures of religious nature, which have already taken place on public streets, public parks, and other public places in the State and *inter alia* provide for:

(a) Framing guidelines for removal, relocation and regularization of existing structures.

(b) Prevention of unauthorized construction of religious nature on public streets, public parks, and other public places etc.

III. *Definitions*.— (a) “Committees” means the Committees appointed by the Government in this regard.

(b) “District Authorities” means the Collector and District Magistrate of the District.

(c) “Estate Officer” means any officer being specifically so appointed as Estate Officer by any Government Department, Government Undertaking, Corporations or any other bodies funded or aided by the Government.

(d) “Government” means Government of Goa.

(e) “Land Owning Agencies” means any person/s, institutes, establishments, organizations, including local bodies which are owning any portion of land or is custodian or caretaker of any piece of land.

(f) “Local Bodies” means Land owning Authorities like City Corporation of Panaji, Municipal Councils, Village Panchayats, Autonomous Bodies fully funded by the Government or by the Central Government, Semi Government bodies and Government Undertakings.

(g) “Organizations” means Organization, Trust, Management, Devasthan and other Religious Organization of all faiths.

(h) “Prescribed” means unless otherwise classified, prescribed by guidelines issued by the Government under this Policy.

(i) “Public Places/Streets” means any place which is used or is meant to be used by public and includes any access, asphalted roads, row, shoulder of roads, all land acquired by Government, lands belonging to local bodies, etc.

(j) “Religious Structures” means all religious structures of all faiths as mentioned in the order of Hon’ble Supreme Court in SLP No. 8519/2006.

(k) “Structures” means any construction or development or any object erected over a piece of land, either permanent or temporary in nature, either attached to the ground or even otherwise.

IV. *Executive Committee*.— 1. In order to deliberate and decide upon the structures and have smooth implementation of the policy, it has been decided to constitute Committees at State Level, District Level and Taluka Level comprising of following:—

(i) State Level Committee (SLC)

Hon’ble Chief Minister	... Chairman.
Hon’ble Revenue Minister	... Member.
Hon’ble Leader of Opposition	... Member.
Chief Secretary	... Member.
Secretary (Revenue)	... Member.
Director General of Police	... Member.
Collector (North)	... Member.
Collector (South)	... Member.
Director of Settlement and Land Records	... Member.

Principal Chief Engineer (PWD)	... Member.
Chief Executive Engineer (Power)	... Member.
Chief Town Planner	... Member.
Director of Municipal Administration	... Member.
Director of Panchayats	... Member.
Under Secretary (Revenue-I)	... Member.
	Secretary.

(ii) District Level Committee (DLC)

Collector of the District	... Chairman.
Superintendent of Police	... Member.
Superintending Engineer PWD (R&B)	... Member.
Superintending Engineer, PWD (NH)	... Member.
SDM/Dy. Collector of all Sub-Divisions	... Member.
Superintending Engineer (Power)	... Member.
Senior Town Planner	... Member.
Superintendent of Survey & Land Records	... Member.
Addl. Director of Municipal Administration	... Member.
Dy. Director of Panchayats	... Member.
Dy. Collector (Revenue)	... Member.
	Secretary.

(iii) Taluka Level Committees (TLC)

Dy. Collector & SDM	... Chairman.
Deputy Superintendent of Police	... Member.
Executive Engineer (R&B)	... Member.
Executive Engineer (NH)	... Member.
Dy. Town Planner (TCP)	... Member.
Inspector, Survey & Land Records	... Member.
Asst. Engineer (Power)	... Member.
Chief Officers of all Municipalities	... Member.
Block Development Officer/s	... Member.
Mamlatdar of respective Taluka	... Member.
	Secretary.

2. The Chairman of these committees is empowered to co-opt members as required, depending on the circumstances.

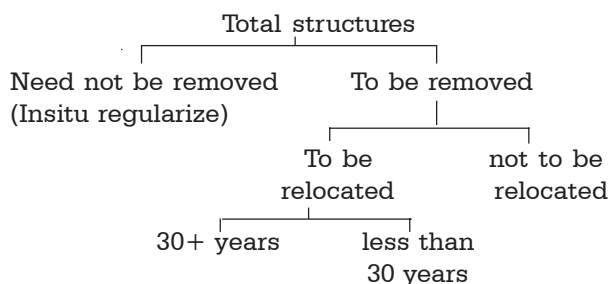
3. The Taluka Level Committee shall prepare an exhaustive report on all the existing structures, on a case to case basis, in their respective talukas and submit to the District Level Committee with clear recommendations on every structure whether to be removed, retained or relocated, with recommendations if any, for specific land to be identified for relocation with details of total area of land to be allotted along with cost of land to be calculated as per provisions of Land Revenue Code.

4. The District Level Committee shall scrutinize the proposal submitted by Taluka Level Committee and shall give its recommendations, either dissenting or assenting to the recommendations of Taluka Level Committee, and submit its report to the State Level Committee for a final decision.

5. The State Level Committee shall thereafter consider the recommendations for a final decision on each case. The Committee shall be empowered to waive or fix a value for the land to be recovered from the concerned managing committee or interested parties as the case may be, on a case to case basis.

A. POLICY FOR EXISTING STRUCTURES

V. The existing structure shall be bifurcated into categories as mentioned below:



VI. *Categorization.*— 1. Retain & Regularize: All structures constructed on public places, public streets, public parks etc., and which are not posing a problem in terms of public safety, road planning or right to way either to traffic or to the public and which have religious sanctity may be regularized *insitu*, on case to case basis.

2 Remove.— 2.1. *Removal without relocation:* All structures that are constructed unauthorizedly on public places, public streets, public parks, etc., and which are posing a problem in terms of public safety, road planning or right to way either to traffic or to the public or for any other sufficient cause that may be recorded by the Taluka Executive Committee shall be removed.

2.2. *Removal with Relocation:* All structures which are constructed prior to the construction of road, or are not having religious sanctity vis-à-vis the site per se or which are constructed with all the due permissions but are now obstructing vehicular traffic or public places or any other public use etc., may be relocated. Further, the structures which are for more than 30 years may be shifted to a plot of land to be allotted by Government. The structures which are less than 30 years shall be relocated by the managing committee or the like of those structures at their own cost.

VII. *Procedure to retain and regularize Religious Structures insitu.*— All structures which are shortlisted for retention shall be taken up by the Taluka Executive Committee for regularization by following the procedure as prescribed under of the Land Revenue Code. If no application is received pertaining to any structure under consideration, the committee shall issue a final public notice calling upon the interested person/s to file the requisite application for regularization. The Taluka committee shall thereafter hear the applications, on a case to case basis. After recommendation by the Taluka Level Committee, District Level Committee and State Level Committee, the proposal shall be forwarded to the Government for approval. If no application is received for regularization of a particular structure, the same shall be recommended for removal.

VIII. *Procedure for Removal of Religious Structures.*— All cases of removal of structures shall be taken up by the Taluka Executive Committee following the procedure as prescribed under the Land Revenue Code. In all such cases where the structure is to be removed and relocated, and which are more than 30 years old, the Taluka Executive Committee shall identify the location and area of Government land on which the structures to be removed has to be relocated. If the land is readily available, the process shall be completed in 180 days. If no land is available and it needs to be acquired then relocation shall be done after the land acquisition proceedings are complete. For all the structures which are less than 30 years old, the interested parties may be granted Government land as per the rates notified at the time of the said allotment.

IX. *Funds for removal, re-location of religious structures.*— 1. The Government shall create a separate Head of Account to provide funds for removal, relocation of religious structures under both the Collectors/Chairman of DLC, for meeting the expenditure connected with removal, relocation or demolition of the religious structure/s.

2. The Government may waive any cost of re-location of structures, land and/or any other cost, on case to case basis.

X. *Penalties.*— In case of any delay, laxity in removal of religious structure/s identified for the purpose or taking action as per the Policy, the Government may fix responsibility for such lapse and the officer concerned shall be liable for disciplinary action and any other action as per law.

By order and in the name of the
Governor of Goa.

Ashutosh Apte, Under Secretary
(Revenue-I).

Porvorim, 23rd August, 2013.

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